

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
NORTHEASTERN DIVISION

FILED

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U.S. DISTRICT COURT
N.D. OF ALABAMA

THE NORTH RIVER INSURANCE
COMPANY,

Plaintiff,

vs.

ALLEN M. OVERTON,
CINDY WALDROP,

Defendants.

Civil Action No. CV-02-S-2235-NE

ENTERED

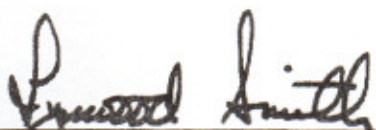
OCT 25 2002

ORDER

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA

This action presently is before the court on defendants' motion to dismiss plaintiff's complaint for declaratory judgment (doc. no. 2). The court has considered the complaint and the arguments of the parties, and finds defendants' arguments to be persuasive and well taken. The motion to dismiss this action in favor of pending state court garnishment proceedings, which presently are scheduled for trial on December 16, 2002 on the identical issue for which plaintiff seeks a declaratory judgment, is GRANTED. See *Wilton v. Seven Falls Co.*, 515 U.S. 277, 289-90, 115 S. Ct. 2137, 2144, 132 L.Ed.2d 214 (1995); *Brillhart v. Excess Insurance Co.*, 316 U.S. 491, 495, 62 S. Ct. 1173, 1175-76, 86 L.Ed. 1620 (1942). The clerk is directed to close this file.

DONE this 25th day of October, 2002.


United States District Judge

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